

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, JANUARY 22, 1990
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor O'Connor at 2:03 p.m. with Council Members Wolfsheimer, Roberts, Hartley, Bernhardt and Henderson not present. A quorum was present at 2:04 p.m. The meeting was recessed by Mayor O'Connor at 2:50 p.m. to meet in Closed Session in the 12th Floor Conference Room to discuss pending litigation. The meeting was reconvened by Mayor O'Connor at 3:26 p.m. with Council Members Pratt and Henderson not present. Mayor O'Connor adjourned the meeting at 4:15 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member Hartley-present
- (4) Council Member Pratt-present
- (5) Council Member Bernhardt-present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present
- Clerk-Abdelnour (rb)

FILE LOCATION: MINUTES

Jan-22-1990

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-not present
- (2) Council Member Roberts-not present
- (3) Council Member Hartley-not present
- (4) Council Member Pratt-present
- (5) Council Member Bernhardt-not present
- (6) Council Member Henderson-not present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present

Jan-22-1990

ITEM-10: INVOCATION

Invocation was given by Pastor Philip Teran from the
San Diego Grace Brethren Church.

FILE LOCATION: MINUTES

Jan-22-1990

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member
Pratt.

FILE LOCATION: MINUTES

Jan-22-1990

ITEM-30: APPROVED

Approval of Council Minutes for the Meetings of:

12/18/89 Adjourned
12/19/89 Adjourned
12/25/89 Adjourned
12/26/89 Adjourned

01/01/90 Adjourned
01/02/90 Adjourned

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A040-046.)

MOTION BY PRATT TO APPROVE. Second by Bernhardt. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-31: GRANTED HEARING

Matter of the request of Natalie Ross for a hearing of an appeal from the decision of the Planning Director in granting Early Release Single Family Neighborhood Protection Ordinance (ERSFNPO) Case-89-3095, which requests an early release from this restriction to determine if the properties located at 3705 Riviera Drive and 1454 Moorland Drive are located within a single-family neighborhood. The subject property is further described as (Riviera) Lots 21 and 22, Block 1 of Turner's Sea Shell Park, Map-1203, and (Moorland) Lots 449 and 450 of Crown Point, Map-1891, in Zone R-1500 (Multi-Family), in the Pacific Beach Community Plan area.

(Case-89-3095. District-6.)

A motion granting or denying the request for a hearing of the appeal.

FILE LOCATION: ZONE ERSFNPO - CASE-89-3095

COUNCIL ACTION: (Tape location: A047-079.)

MOTION BY HENDERSON TO GRANT THE HEARING BASED ON CITY-WIDE SIGNIFICANCE AND SET THE HEARING FOR FEBRUARY 6, 1990. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-32: DENIED HEARING

Matter of the request of Southland Corporation, by Mike Harkins, for a hearing of an appeal from the decision of the Planning Commission in denying a proposed amendment to Conditional Use Permit CUP-86-0900 and Planned Commercial Development Permit PCD-86-0900. The amendment proposes to extend permitted hours of operation from 18 hours to 24 hours. The subject property (approximately 21,605 square

feet), is located on the east side of Oro Vista Road (1771 Oro Vista Road), southwest of Interstate 5 and north of Highway 117 and is more particularly described as a portion of Lot 8, Oro Vista Unit No. 2, Parcel Map PM-11051, in Zone CR in the Otay Mesa-Nestor Community Plan area. (CUP/PCD-89-0084. District-8.)

A motion granting or denying the request for a hearing of the appeal.

FILE LOCATION: PERM - CUP/PCD-89-0084

COUNCIL ACTION: (Tape location: A082-104.)

MOTION BY FILNER TO DENY THE REQUEST FOR A HEARING DUE TO A LACK OF NECESSARY FINDINGS. Second by Bernhardt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-33: GRANTED HEARING

Matter of the request of La Jolla Shores Association, by W. W. Finley, Jr., et al, for a hearing of an appeal from the decision of the Planning Commission in granting La Jolla Shores Permit LJS-89-0445 and Coastal Development Permit CDP-89-0445 for the construction of a 5,819-square-foot single-family residence. The subject property is 13,260 square feet in area and is located at 7411 Hillside Drive and is more particularly described as all of the portion of Lot B of the Resubdivision of La Jolla Hills No. 2 in Zone SF (Single-Family) within the La Jolla Shores Community Plan area.

(LJS/CDP-89-0445. District-1.)

A motion granting or denying the request for a hearing of the appeal.

FILE LOCATION: PERM - LJS/CDP-89-0445

COUNCIL ACTION: (Tape location: A105-124.)

MOTION BY WOLFSHEIMER TO GRANT THE HEARING BASED ON FINDINGS OF CITY-WIDE SIGNIFICANCE. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-50: (O-90-93) ADOPTED AS ORDINANCE O-17415 (New Series)

Amending Chapter IX, Article 1, Division 85, of the San Diego Municipal Code by amending the Title of Division 85, by repealing Sections 91.8501, 91.8502, 91.8503, 91.8504, 91.8505, 91.8506, 91.8507, 91.8508, 91.8509 and 91.8510, and by adding Sections 91.8501, 91.8502, 91.8503, 91.8504, 91.8505, 91.8506, 91.8507, 91.8508 and 91.8509, relating to Removal, Relocation, and Transportation of Structures (Move-on Buildings).
(Introduced on 1/9/90. Council voted 9-0.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A351-354.)

CONSENT MOTION BY HENDERSON TO DISPENSE WITH THE READING AND ADOPT. Second by McCarty. Passed by the following vote:
Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-51: (O-90-125) ADOPTED AS ORDINANCE O-17416 (New Series)

Amending Chapter X, Article 3, Division 8 of the San Diego Municipal Code by amending Section 103.0802.1, relating to Appeals of Signs, to amend the Midway Planned District Ordinance to bring it into conformance with the hearing process of the Citywide Sign Ordinance.
(District-2. Introduced on 1/9/90. Council voted 8-0. District 6 not present.)

FILE LOCATION: LAND - MIDWAY PLANNED DISTRICT

COUNCIL ACTION: (Tape location: A351-354.)

CONSENT MOTION BY HENDERSON TO DISPENSE WITH THE READING AND ADOPT. Second by McCarty. Passed by the following vote:
Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-52: (O-90-108) ADOPTED AS ORDINANCE O-17417 (New Series)

Incorporating approximately 17,460 square feet located at the northwest corner of the intersection of Navajo Road and Lake Murray Boulevard into CO zone.

(Case-88-0494. Navajo Community Area. District-7. Introduced on 1/9/90. Council voted 6-0. Districts 2, 6, and 8 not present.)

FILE LOCATION: ZONE ORD. NO.

COUNCIL ACTION: (Tape location: A351-354.)

CONSENT MOTION BY HENDERSON TO DISPENSE WITH THE READING AND ADOPT. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-53: (O-90-100) RETURNED TO THE CITY MANAGER

Introduction of an Ordinance amending Chapter IV, Article 1, of the San Diego Municipal Code by amending Section 41.07.4, relating to Health and Sanitation.

CITY MANAGER SUPPORTING INFORMATION: Over the years, the City Council has adopted County Health Department regulatory fees by referencing the County Code. The City at this time needs to do the same with County Code Sections 65.104 and 65.105, which establishes penalties for fees that are delinquent. The City section is not consistent with the County one and therefore must be amended annually, or the City can simply adopt by reference the County section. The latter is the City Manager's recommendation.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A193-201.)

MOTION BY PRATT TO RETURN TO THE CITY MANAGER, AS REQUESTED BY THE CITY MANAGER. Second by Bernhardt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-100: (R-90-960) ADOPTED AS RESOLUTION R-275002

Awarding a contract to Halprin Supply Co. for furnishing turnout clothing, as may be required for a period of one

year beginning November 1, 1989 through October 31, 1990, for an estimated cost of \$67,409.57, including tax and terms, with an option to renew for two additional one-year periods, with increases not to exceed 10 percent of the prices in effect at the end of each prior year. (BID-F0985/90)

FILE LOCATION: CONT - PURCHASE HALPRIN SUPPLY CO.
CONT FY90-1

COUNCIL ACTION: (Tape location: A355-373.)
CONSENT MOTION BY ROBERTS TO ADOPT. Second by Wolfsheimer.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-101: (R-90-962) ADOPTED AS RESOLUTION R-275003

Awarding a contract to Evergreen Landscape Design and Construction for furnishing complete landscape maintenance of four selected sites (Community Park and Recreation Division, Park and Recreation Department), as may be required for a period of 12 months beginning February 1, 1990 through January 31, 1991, for a total estimated annual cost of \$46,800, including terms, with options to renew for four additional one-year periods with price increases not to exceed 9 percent of prices in effect at the end of the prior contract period; declaring that in the event the contractor fails to perform in accordance with the specifications, the Purchasing Agent is authorized to terminate the contract and reaward to the next low bidder, and if necessary, to successive low bidders until a bidder is found who does comply with the specifications.
(BID-A1071/90)

FILE LOCATION: CONT - PURCHASE EVERGREEN LANDSCAPE DESIGN
AND CONSTRUCTION CONT FY90-1

COUNCIL ACTION: (Tape location: A355-373.)
CONSENT MOTION BY ROBERTS TO ADOPT. Second by Wolfsheimer.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-102: (R-90-1056) ADOPTED AS RESOLUTION R-275004

Approving Parcel Map WO-880688, a 1-parcel Parcel Map
located southwesterly of Vista Lane and South Vista Avenue.
(San Ysidro Community Area. District-8.)

FILE LOCATION: SUBD - SAN YSIDRO ADDITION NO. 5 TO LOTS
A-224, A-225, A-226, PORTION

COUNCIL ACTION: (Tape location: A355-373.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Wolfsheimer.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-103: (R-90-1057) ADOPTED AS RESOLUTION R-275005

Approving Parcel Map TM-88-1267, a 2-parcel Parcel Map
located northwesterly of Madera Street and Hilger Street.
(Southeast San Diego Community Area. District-4.)

FILE LOCATION: SUBD - SUNNY SLOPE ADDITION TO ENCANTO
HEIGHTS, LOT 38, PORTION

COUNCIL ACTION: (Tape location: A355-373.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Wolfsheimer.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-104:

Two actions relative to the construction of Canyon
Country - Unit No. 5:
(Mira Mesa Community Area. District-5.)

Subitem-A: (R-90-1058) ADOPTED AS RESOLUTION R-275006

Authorizing the City Manager to release a portion of the
surety issued by the American Insurance Company in the form
of Performance Bond No. SC 713 1014, so that the same is
reduced as follows: 1) For faithful performance, to the
sum of \$264,140; 2) For the benefit of the contractor,
subcontractor and to persons renting equipment or
furnishing labor or materials, to the sum of \$132,070.

Subitem-B: (R-90-1059) ADOPTED AS RESOLUTION R-275007

Granting an extension of time to August 1, 1990, to The Fieldstone Company, subdivider, to complete the improvements required in Canyon Country - Unit No. 5.

CITY MANAGER SUPPORTING INFORMATION: On February 2, 1987, the City entered into an agreement with The Fieldstone Company for the construction of public improvements for Canyon Country - Unit No. 5. Performance Bond No. SC 713 1014, issued by The American Insurance Company, in the amount of \$1,056,559 was provided by the subdivider. The agreement expired February 2, 1989. The public improvements are 99 percent completed (the 1 percent remaining is general clean-up and patch work). Since the subdivider does not have the improvements completed and ready for City acceptance at this time, he is requesting a partial release of surety and a time extension to August 1, 1990.

The job order account has sufficient funds to cover anticipated future costs to the City. There are no mechanic's liens filed against the surety and there has not been a previous partial release. It is recommended that the partial release of surety be approved and the time extension be granted in conformance with Council Policies 800-11 and 600-21. The surety will be reduced to \$264,140 which is approximately 25 percent of the original surety.

FILE LOCATION: SUBD - CANYON COUNTRY - UNIT NO. 5

COUNCIL ACTION: (Tape location: A355-373.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Wolfsheimer.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-105: (R-90-1046) ADOPTED AS RESOLUTION R-275008

Approving the acceptance by the City Manager of a grant deed of Pardee Construction Company, granting to the City Lot C of Sabre Springs Industrial Park, Unit No. 4, Map-11548.
(Sabre Springs Community Area. District-1.)

FILE LOCATION: DEED F-5162 DEED FY90-1

COUNCIL ACTION: (Tape location: A355-373.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Wolfsheimer.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-106: (R-90-1045) ADOPTED AS RESOLUTION R-275009

Authorizing the execution of a deed conveying to San Diego Gas and Electric Company, an easement for the non-exclusive use of certain strips of land, delineated as "Non-exclusive Pac Bell and San Diego Gas and Electric Co. Easement," for underground gas and electric facilities.

(Otay Mesa Community Area. District-8.)

CITY MANAGER SUPPORTING INFORMATION: In 1988, as a part of the redevelopment of Brown Field, new gas and electric facilities were installed in the Airport's roadways. Since the streets at Brown Field are undedicated, San Diego Gas and Electric Company is requesting a non-exclusive easement of the airport roads as shown on City Engineer's Drawing 23478-D. No charge will be levied for this easement since the improvements constructed in the easement will benefit the future Brown Field lessees. All of San Diego Gas and Electric's improvements are installed in accordance with current standards.

FILE LOCATION: DEED F-5163 DEED FY90-1

COUNCIL ACTION: (Tape location: A355-373.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Wolfsheimer.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-107: (R-90-1023) ADOPTED AS RESOLUTION R-275010

Authorizing Suggestion Awards to the following City employees:

Marsha Lorraine - Police Department - \$464.94.

Robert Mackey - Utilities Department - \$320.

Patricia Trone - Police Department - \$160.

Bernard Sepulvado - Police Department - \$160.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A355-373.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Wolfsheimer.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-108: (R-90-1053) ADOPTED AS RESOLUTION R-275011

Establishing a No Stopping, Tow-Away Zone effective between
the hours of 4:00 p.m. and 6:00 p.m. (Saturdays, Sundays
and Holidays excepted) on the east side of Fifth Avenue
between Cedar Street and Ash Street.

(Centre City Community Area. District-8.)

CITY MANAGER SUPPORTING INFORMATION: The afternoon peak hour
(4:00 - 6:00 p.m.) stopping restriction with "tow-away"

provision is proposed in order to extend the existing HOV lane
for the I-5 southbound on-ramp farther south on Fifth Avenue.
Initially, signs and markings will be placed to extend the HOV
lane between Cedar Street and Beech Street, with a later
extension to Ash Street if necessary. Presently, the HOV lane
is marked on Fifth Avenue from the on-ramp to Cedar Street, with
metered 2-hour time limit parking between Cedar Street and Ash
Street. During the afternoon peak times, this on-ramp often
backs up south of Beech Street with parked vehicles precluding
access to the HOV lane. This proposed peak-hour stopping
restriction will allow better access for carpools to the HOV
lane, thereby increasing the person-carrying capacity of the
ramp. The No Stopping, Tow-Away 4:00 p.m. - 6:00 p.m.
(Saturdays, Sundays, Holidays excepted) will be installed on the
meters existing at the above location. Adjacent property owners
and residents were notified, with no objections. The "Tow-Away"
is needed to prevent blockage of this through traffic lane, and
it is in accordance with the CVC Section 22651(n) and San Diego
Municipal Code Sections 81.09 and 86.05.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A355-373.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Wolfsheimer.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-109: (R-90-1048) ADOPTED AS RESOLUTION R-275012

Establishing a Truck Parking Prohibited Zone on the north side of West Point Loma Boulevard between Rue D'Orleans and Famosa Boulevard in accordance with the provisions of Section 85.02 of the San Diego Municipal Code; declaring that the regulations hereinabove imposed shall become effective upon the installation of such signs.

(Ocean Beach Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: The proposed truck parking prohibition was requested by the Westview Homeowners Association. Investigation of the location revealed that trucks and trailers parked at the subject location reduce the visibility of motorists exiting driveways, and also at the intersection of Rue D'Orleans with West Point Loma Boulevard. Restricting truck parking will enhance traffic safety in the area. Staff recommends implementation of the requested truck parking prohibition.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A355-373.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-110: (R-90-1025) ADOPTED AS RESOLUTION R-275013

Authorizing the execution of an agreement with Black & Veatch, Engineers-Architects, for design services in connection with the Point Loma Wastewater Treatment Plant Sedimentation Basins 11 and 12, together with any necessary modifications or amendments which do not increase the project scope or cost and which the City Manager shall deem necessary in order to carry out the purposes and intent of the project and agreement; authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$771,581

within Sewer Revenue Fund No. 41506 from CIP-46-111.0, Rose Canyon Trunk Sewer, to CIP-46-134.0, Point Loma Sedimentation Basins 11 and 12; authorizing the expenditure of an amount not to exceed \$1,603,581 from Sewer Revenue Fund No. 41506, CIP-46-134.0, Point Loma Sedimentation Basins 11 and 12, for the purpose of providing funds for the above project.

(District-2.)

CITY MANAGER SUPPORTING INFORMATION: This consultant agreement is for the Black and Veatch Consultant Engineers to provide professional engineering services which, because of scope and complexity, is needed for the design of the Sedimentation Basin Nos. 11 & 12 and Effluent Channel at the Point Loma Wastewater Treatment Plant. In accordance with Council Policy 300-7, the request for consultant services was advertised in the San Diego Daily Transcript under "Point Loma Treatment Plant Basins". Ten consultant responses were received by the Consultant Nominating Committee, four of which were shortlisted to present the final proposal for the work to the Water Utilities Department. The firm, Metcalf & Eddy, informed the City that they would not compete for the subject project, and the remaining three firms were interviewed by the Water Utilities staff for final evaluation. The firm, Black & Veatch was selected. This agreement provides for the preparation of the preliminary design, hydraulic evaluation, geotechnical reports, odor removal analysis, effluent channel and basins design, final plans and specifications, construction cost estimate and assistance, and coordination efforts with the Program Manager regarding secondary treatment at a cost not to exceed \$1,603,581. Included in this fee is \$76,000 for special engineering services and \$231,300 or 14.4 percent for sub-consulting work by the engineering firms of Balan & Associates (MBE, 6.5 percent), Kercheval Engineers (MBE, 2.9 percent), Allied Geotechnical (MBE, 1.6 percent), Christine Kellar (WBE, 1 percent), Flow-Science (0.8 percent), Dr. Norman Brooks (1.8 percent), and Brown & Caldwell (0.5 percent). Aud. Cert. 9000575.
WU-U-90-024.

FILE LOCATION: MEET CCONT FY90-1

COUNCIL ACTION: (Tape location: A355-373.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Wolfsheimer.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-111: (R-90-1044) ADOPTED AS RESOLUTION R-275014

Authorizing the execution of an agreement with
Sillman/Wyman and Associates for professional services in

connection with the San Ysidro Athletic Area recreation center facility, together with any necessary modifications or amendments which do not increase the project scope or cost and which the City Manager shall deem necessary in order to carry out the purposes and intent of this project and agreement; authorizing the expenditure of an amount not to exceed \$121,500 from CIP-29-631, San Ysidro Athletic Area - Improvements, San Ysidro Athletic Area (Proposition 70) Fund No. 38002, for the purpose of providing funds for the above project; authorizing the City Auditor and Comptroller to transfer unexpended budgeted funds, if any, to the appropriate reserves upon the advice of the administering department; authorizing and directing the City Manager to amend the City's 1988 Community Development Block Grant Program Statement to include development of a recreational center facility at the San Ysidro Athletic Area (Larsen Field).

(Tia Juana River Valley Community Area. District-8.)

CITY MANAGER SUPPORTING INFORMATION: The proposed agreement with Sillman/Wyman and Associates will provide the professional services required for the development of a recreation center building at the San Ysidro Athletic Area. Sillman/Wyman and Associates was selected in accordance with Council Policy 300-7 and approved by the City Manager in February, 1989. Staff then negotiated the agreement for professional services. The negotiation process has taken longer than usual because the scope of work increased during the process due to the availability of additional Prop. 70 funds. The additional \$1,000,000 in State Funds will allow the project scope to include a new recreation center building to replace the existing

small and substandard structure. In addition to authorizing the consultant agreement it is also necessary for Council to approve an amendment to the CDBG Program to reflect an increase in the scope of this project.

Aud. Cert. 9000581.

FILE LOCATION: MEET CCONT FY90-1

COUNCIL ACTION: (Tape location: A355-373.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-112: (R-90-883) ADOPTED AS RESOLUTION R-275015

Authorizing the City Manager to amend the concession agreements with Kruse Concessions, Inc., to increase the commissions paid on the sale of fishing permits and other day-use permits from one percent to three percent of gross sales.

(See City Manager Report CMR-90-02.)

COMMITTEE ACTION: Reviewed by PFR on 1/10/90.

Recommendation to approve the City Manager's recommendation.

Districts 1, 3, 7 and 8 voted yeas. District 6 not present.

WU-PR-90-068.

FILE LOCATION: LEAS - KRUSE CONCESSIONS, INC. LEAS
FY90-1

COUNCIL ACTION: (Tape location: A355-373.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Wolfsheimer.

Passed by the following vote: Wolfsheimer-yeas, Roberts-yeas,

Hartley-yeas, Pratt-yeas, Bernhardt-yeas, Henderson-yeas,

McCarty-yeas, Filner-yeas, Mayor O'Connor-yeas.

* ITEM-113: (R-90-1043) ADOPTED AS RESOLUTION R-275016

Authorizing the execution of an agreement with Edward C. Wundram, Architect, for professional advisory services in connection with the Balboa Park Organ Pavilion parking garage design competition, together with any modifications or amendments which do not increase the project scope or cost and which the City Manager shall deem necessary to carry out the purpose and intent of this project and agreement; authorizing the expenditure of an amount not to exceed \$350,000 from Fund No. 102242, CIP-21-834, to be expended as follows: \$148,650 for purposes of the above agreement; \$162,250 for conduct of the design competition; and \$39,100 for miscellaneous related costs of this project; authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, to the appropriate reserves upon advice of the administering department.

(See City Manager Report CMR-89-576. Balboa Park Community Area. District-8.)

COMMITTEE ACTION: Reviewed by PFR on 12/13/89. Recommendation to approve the City Manager's recommendation with staff to

return to Committee following: 1) Development of competition recommendations for review and approval of the Park and Recreation Competition Advisory Committee and others, 2) recommendation of jurors and arrangement of their appointment, and 3) prepared competition program for the design phase of the competition. Districts 1, 3, 6, 7 and 8 voted yea.
Aud. Cert. 9000579.

FILE LOCATION: MEET CCONT FY90-1

COUNCIL ACTION: (Tape location: A355-373.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Wolfsheimer.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-200: (R-90-831) ADOPTED AS RESOLUTION R-275017

(Continued from the meeting of December 11, 1989, Item 113, at Council Member Bernhardt's request, to allow staff to contact the San Diego Unified School District to verify if they will be changing the street name to Trina Court when they build the high school there.)
Changing the name of Scripps Ranch Boulevard, located west of Carmel Canyon Road, to Scripps Ranch Court; declaring that the signage shall indicate both the old street name and the new street name for a period of one year, for the convenience of the general public; authorizing the installation and removal of the necessary signs and markings.

(Scripps Miramar Ranch Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: The proposed street name change has been requested to eliminate an awkward, confusing and generally deficient situation which arises when the same street name is used for three of four legs at an intersection. This unfavorable situation was created when Scripps Ranch Boulevard was redesigned and realigned, in 1983, in a northerly direction rather than the original westerly direction. Presently, most of the westerly segment of Scripps Ranch Boulevard west of Carroll Canyon Road serves several properties of which two would be likely to be affected. The westerly segment of Scripps Ranch Boulevard to be renamed deadends 500 feet west of Carroll Canyon Road, adjacent to undeveloped property. Staff has sent letters to the affected property owners requesting their support of the

name change.

Of the two affected properties adjacent to the right of way, only the southerly owner has returned a response, which was favorable. The property owner on the north side of Scripps Ranch Boulevard has not responded. However, there may be no adverse affect to this property as a result of the name change, since this property has access to the northerly continuation of Scripps Ranch Boulevard. The Planning Commission recommended approval on October 5, 1989, by a 5-0 vote. Although 100 percent support for the street name change has not been obtained, the situation that exists must be corrected to eliminate the awkwardness and confusion. Furthermore, the name change should occur before the

undeveloped property to the west is developed. If the westerly segment is extended and the name Scripps Ranch Boulevard is continued, a more detrimental affect may arise with regards to mail delivery, delayed/misrouted emergency services, and additional confusion. Therefore, staff which includes comments from the Police Department, Fire Department, Building Inspection Department, and Engineering and Development Department recommends approval of the subject name change.

FILE LOCATION: DEED F-5126 DEED FY90-1

COUNCIL ACTION: (Tape location: A355-373.)

MOTION BY ROBERTS TO ADOPT. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-201: (R-90-848) ADOPTED AS RESOLUTION R-275018

(Continued from the meeting of January 8, 1990, Item 129, at Council Member Hartley's request, to allow time to check with people in the community.)

Authorizing the execution of an agreement with Austin Hansen Group, Inc. for professional services in connection with I-15 Cut and Cover Park No. 1, I-15 Cut and Cover Park No. 2, Park de la Cruz and Normal Heights Community Park, together with any modifications or amendments which do not increase the project scope or cost and which the City Manager shall deem necessary in order to carry out the purposes and intent of this project; authorizing the

expenditure of an amount not to exceed \$127,000 from Mid-City Park Development Fund No. 39094, consisting of \$40,000 from CIP-29-685, I-15 Cut and Cover Park No. 1; \$37,000 from CIP-29-701, I-15 Cut and Cover Park No. 2; \$35,000 from CIP-29-684, Park de la Cruz - Development; and \$15,000 from CIP-29-702, Normal Heights Community Park - Development, for the purpose of providing funds for the above projects; authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, to the appropriate reserves upon advice of the Park and Recreation Department.

(Mid-City Community Area. District-3.)

CITY MANAGER SUPPORTING INFORMATION: The proposed agreement with Austin Hansen Group, Inc., will provide the professional services required for preparation of General Development Plans for four park projects. All four parks are located along the future State Highway I-15 expansion route. Two Cut and Cover Parks, CIP-29-685 and CIP-29-701, will extend over I-15 for two blocks between Landis and Wightman Streets, and between Polk and Orange Avenues, respectively. Park de la Cruz, CIP-29-684, is located between Landis and Wightman Streets and I-15. Normal Heights Park, CIP-29-702, is located west of I-15 at 39th Street. Both Park de la Cruz and Normal Heights Park will receive substantial amounts of fill from the I-15 expansion project. Due to the degree of coordination required between the various interest groups and governmental agencies, it was deemed prudent to utilize the services of one consultant for all four parks. The consultant was selected in accordance with Council Policy 300-7. The Park and Recreation Department interviewed three firms from the "As-Needed" list of landscape architects. This list was prepared at the June 22, 1988 meeting of the Design Consultant Nominating Committee. The City Manager received recommendations from the Park and Recreation Department and has selected Austin Hansen Group, Inc., for these projects. Aud. Cert. 9000503.

FILE LOCATION: MEET CCONT FY90-1

COUNCIL ACTION: (Tape location: A485-543.)

MOTION BY HARTLEY TO ADOPT. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-202: (R-90-868) ADOPTED AS RESOLUTION R-275019

(Continued from the meeting of December 11, 1989, Item 117,
at Council Member Henderson's request, to refer to the
Community Group for input.)

Authorizing the execution of an agreement with Belmont Park Associates for construction of water and sewer improvements in the Mission Beach District, together with any modifications or amendments which do not increase the project scope or cost and which the City Manager shall deem necessary in order to carry out the purpose and intent of this project and agreement; authorizing the expenditure of an amount not to exceed \$662,880 consisting of \$217,511 from Water Revenue Fund No. 41502, Water Systems Construction Program, Annual Allocation for Water Main Replacements (CIP-73-083); \$23,798 from Sewer Revenue Fund No. 41506, Wastewater Systems Construction Program, Annual Allocation for Sewer Main Replacements (CIP-44-001); and \$421,571 from Sewer Revenue Fund No. 41506, Wastewater Systems Construction Program, Annual Allocation for Pump Station Restorations, for the purpose of providing funds for the above project.

(Mission Beach Community Area. District-6.)

CITY MANAGER SUPPORTING INFORMATION: In conjunction with development of the project commonly known as "Belmont Park," Belmont Park Associates was required to make improvements to sewer and water facilities located in and around Belmont Park in the Mission Beach area. The improvements include replacement of 1,444 feet of 12-inch water pipe, 208 feet of 10-inch water pipe, and 501 feet of 8-inch sewer main and appurtenances (referred to as "Phase I Improvements"), and replacement of Sewer Pump Station No. 12 and appurtenances located near the Bonita Cove Parking lot (referred to as "Phase II Improvements") in the Mission Beach Area. The Phase I and Phase II Improvements are for the benefit of the City as a whole. The proposed agreement provides for reimbursement to the developer for the actual cost to design and construct these improvements.
Aud. Cert. 9000517.
WU-U-90-067.

FILE LOCATION: CONT - BELMONT PARK ASSOCIATES CONT
FY90-1

COUNCIL ACTION: (Tape location: A355-373.)

MOTION BY ROBERTS TO ADOPT. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-203: (R-90-1083) ADOPTED AS RESOLUTION R-275020

Confirming the appointment by the Mayor of Robert E. Russell to serve as a member of the Park and Recreation Board for a term ending March 1, 1991, to replace Kenneth K. Hayashi, whose term has expired.
(See memorandum from Mayor O'Connor dated 1/10/90.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A379-464.)

Motion by Hartley to continue one week in order to go over the appointment process with the Mayor. Failed. Yeas: 3,8.
Nays: 1,2,4,5,6,7,M.

MOTION BY ROBERTS TO ADOPT. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-204: (R-90-1084) ADOPTED AS RESOLUTION R-275021

Confirming the appointment by the Mayor of Deborah L. Huffman to serve as a member of the Funds Commission for a term ending January 28, 1994, to replace Richard R. Tarte, who has resigned.
(See memorandum from Mayor O'Connor dated 1/10/90.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A355-373.)

MOTION BY ROBERTS TO ADOPT. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-205: (R-90-1086) ADOPTED AS RESOLUTION R-275022

Confirming the appointment by the Mayor of Councilmember

Bob Filner to serve as the City's representative to the
SANDAG South Bay Rail Transit Extension Study Policy
Advisory Committee.
(See memorandum from Mayor O'Connor dated 1/11/90.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A355-373.)
MOTION BY ROBERTS TO ADOPT. Second by Wolfsheimer. Passed by
the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea,
Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea,
Filner-yea, Mayor O'Connor-yea.

ITEM-206: (R-90-1085) ADOPTED AS RESOLUTION R-275023

Confirming the appointment by the Mayor of Councilmember
Ron Roberts to serve as the City's representative on the
Lindbergh Field Comprehensive Land Use Plan Committee.
(See memorandum from Mayor O'Connor dated 1/11/90.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A355-373.)
MOTION BY ROBERTS TO ADOPT. Second by Wolfsheimer. Passed by
the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea,
Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea,
Filner-yea, Mayor O'Connor-yea.

ITEM-207: (R-90-1092) TRAILED TO JANUARY 30, 1990

Consideration of the following nominees for appointment by
the Council to fill two vacancies on the San Diego Unified
Port District Board of Commissioners:

NOMINEE	NOMINATED BY
Lynn Schenk	Councilmember Wolfsheimer
Joseph S. Francis	Councilmember Hartley
Clifford W. Graves	Councilmember Wes Pratt
Paul A. Peterson	Councilmember Henderson
William E. Cleator	Councilmember Henderson
Daniel L. Guevara	Councilmember Filner

Adoption of a Resolution appointing two of the nominees to
serve as members of the San Diego Unified Port District
Board of Commissioners, effective February 7, 1990, to fill
the remainder of the terms to expire January 2, 1991 and

January 3, 1993, respectively.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A202-347.)

Motion by Henderson to continue the matter to February 5, 1990, as requested by Mayor O'Connor, and to refer the City Attorney's opinion regarding Commissioner Larsen to the Rules Committee for discussion. Failed. Yeas: 2,6,7,M. Nays: 1,3,4,5,8.

Motion by Filner to refer the City Attorney's opinion to the Rules Committee. Passed. Yeas: 1,4,6,7,8,M. Nays: 2,3,5.

MOTION BY FILNER TO TRAIL THE ITEM TO JANUARY 23, 1990. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-nay, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-nay, McCarty-nay, Filner-yea, Mayor O'Connor-nay.

ITEM-S400: RECOGNIZED

City Council recognition of the "City Youth Advisory Council", a group of 19 high school students that advise the City Manager, City Council, and the Mayor on issues that relate to youth.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C027-065.)

ITEM-S401: (R-90-1302) ADOPTED AS RESOLUTION R-275024

19900122

In the matter of granting reconsideration of the action taken by the City Council on January 8, 1990 regarding the freeway interchange improvement agreements (BCE) for the I-15/Mercy Road interchange.

(Miramar Ranch North Community Area. District-5.)

(A) A decision by majority vote of the Council to reconsider the matter;

(B) Setting a date for a hearing on the matter, if approved for reconsideration.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A131-190.)

MOTION BY BERNHARDT TO WAIVE THE RULES AND RECONSIDER. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

MOTION BY BERNHARDT TO SET THE HEARING FOR FEBRUARY 13, 1990, AT 2:00 P.M. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-S402: (R-90-1103) ADOPTED AS RESOLUTION R-275025

Authorizing the execution of an amendment to a Cooperative Agreement with the State of California, for joint participation to repair a storm drain at I-805 and Kearny Villa Road; authorizing an increase of \$28,300 to supplement the Cooperative Agreement with the State of California; authorizing the expenditure of an amount not to exceed \$28,300 from Capital Outlay Fund 30245, CIP-17-001, Annual Allocation - Minor Drain Requirements, for Cooperative Agreement with the State of California, for the purpose of providing funds for the above project.
(Serra Mesa Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: On September 11, 1989, the City of San Diego entered into a Cooperative Agreement that was initiated by the State of California (CalTrans) for the repair of a metal storm drain pipe at I-805 and Kearny Villa Road, for \$85,000. Bids for the above project were opened by CalTrans on December 14, 1989. Seven bids were received. Roca Construction, Inc., submitted the low bid of \$96,380, which was subsequently denied because CalTrans Disadvantaged Business Enterprise (DBE) requirements were not met. Six other bids were J.M. Proctor Construction at \$106,500; Wayne L. Grist, Inc., at \$116,860; Commercial Contractors at \$122,866; Mitchell Pacific Construction, Inc., at \$130,298; Interwest Contracting, Inc., at \$184,898; and Stipper-Wiebelhaus, Inc., at \$250,516. CalTrans is now in the process of awarding the project to the second low

bidder, J.M. Proctor Construction, at the bid price of \$106,500. According to CalTrans, their estimate was conservative and it

did not fully reflect the difficulty of this project because the storm drain is partially under a business building. In accordance with the co-op agreement, CalTrans must have full deposit of the City's total share of the costs before it can award this project. CalTrans does not believe that readvertising would result in lower bids. Reduction of the scope of the project is not feasible. It is recommended that CalTrans award the project and that funds from CIP-17-001, Minor Drain Requirements, be used to supplement the increased costs. Aud. Cert. 9000624.

FILE LOCATION: MEET CONT FY90-1

COUNCIL ACTION: (Tape location: A355-373.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S403: (R-90-817) TRIALED TO JANUARY 23, 1990

(Continued from the meetings of December 11, 1989, Item 105 and January 16, 1990, Item 200; last continued at the Assistant City Manager's request, for discussion with the developer and City Attorney due to litigation between the City and the County concerning the approval of the Heritage Hills Project.)

Authorizing the execution of a deed conveying to Whispering Palms Community Service District an easement for sewer pipelines, mains, manholes, sewer lateral pipelines and right-of-way, in a portion of Lot 2 of Fairbanks Country Club Unit No. 1, Map-10730.

(Fairbanks Ranch Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: The Whispering Palms Community Service District is now converting its area from septic tank systems to municipal sewer hook-up and requires a sewer easement over City-owned land in order to connect to the Metropolitan Sewer System. The portion of the Fairbanks Ranch Country Club sought is an easement 20 feet wide and 247.54 feet

long containing 4,950 square feet. This portion of the Country Club is actually roadside setback, moderately sloping, and is

considered excess property which doesn't contribute to its highest and best use of the adjacent property as developed. The Fairbanks Ranch Golf Course, which is the lessee of this property, is very much in favor of this action as it will alleviate a leaching problem that now effects the golf course operations and maintenance.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A193-201.)

MOTION BY PRATT TO TRAIL THE ITEM TO JANUARY 23, 1990, AS REQUESTED BY THE CITY MANAGER. Second by Bernardt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-S404: (R-90-1106) ADOPTED AS RESOLUTION R-275026

Approving the Conflict of Interest Code for the City of San Diego's Ad Hoc Open Space Committee.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A355-373.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-S405: (R-90-1107) ADOPTED AS RESOLUTION R-275027

Approving and supporting the bid and commitment submitted by the City Attorney to host the 1993 annual conference of

the National Institute of Municipal Law Officers in San Diego; declaring that the City Council urges the National Institute of Municipal Law Officers to accept the host bid and return to San Diego in 1993.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A355-373.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea,

McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S406: REFERRED TO THE RULES COMMITTEE

(Continued from the meeting of January 12, 1990, Item 701;

Continued from the meeting of January 18, 1990, Item 701.)

The matter of City Charter Review, other ballot propositions and Ethics Reform.

Subitem-A:

San Diego City Charter Review Commission Recommendations.

Other City Charter Recommendations

Subitem-B:

Other Ballot Propositions

Subitem-C:

City Clerk's Report on issues relating to campaign

financing, disclosure and the City's elections process.

Ethics Reform

FILE LOCATION: --

COUNCIL ACTION: (Tape location: B070-C021.)

MOTION BY FILNER TO REFER THE MATTER TO THE RULES COMMITTEE TO SET UP A PROCESS FOR COMING TO A QUICK RESOLUTION ON A CHARTER REVIEW PACKAGE AND ETHICS AND ELECTION REVIEW PACKAGE FOR THE NOVEMBER ELECTION. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-S407: (R-90-1098) ADOPTED AS RESOLUTION R-275028

A Resolution approved by the City Council in Closed Session

on Tuesday, January 16, 1990 by the following vote:

Wolfsheimer-yea; Roberts-yea; Hartley-not present;

Pratt-yea; Bernhardt-yea; Henderson-not present;

McCarty-yea; Filner-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$180,000 in the settlement of each and every claim against the City, its agents and employees, resulting from the personal injuries to Thomas Johnston (Superior Court Case No. 597801 Johnston v. City of San Diego, et al.);

authorizing the City Auditor and Comptroller to expend the amount of: 1) \$30,000 payable to Aetna Casualty and Surety Company; and 2) \$150,000 payable to Thomas Johnston and Richard de la Garza, his attorney, as the final payment towards full settlement of the lawsuit and all claims.

CITY MANAGER SUPPORTING INFORMATION: This constitutes the complete and final settlement of the personal injury claim of Thomas Johnston against the City of San Diego as a result of the incident of May 1, 1987.
Aud. Cert. 9000635.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A355-373.)
CONSENT MOTION BY ROBERTS TO ADOPT. Second by Wolfsheimer.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S408: (R-90-1102) ADOPTED AS RESOLUTION R-275029

Supporting S. 11 (Cranston) and H.R. 780 (Levine), entitled "The California Desert Protection Act" as recommended in Intergovernmental Relations Department Report IRD-90-2, dated January 10, 1990; directing the Intergovernmental Relations Department to advise the City's Washington, D.C. legislative representative and San Diego's congressional delegation of this support for the proposed Act.
(See Intergovernmental Relations Department Report IRD-90-2.)

COMMITTEE ACTION: Reviewed by RULES on 1/17/90. Not acted upon due to a lack of quorum, and forwarded to Council docket for action by the Rules Committee Chair.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A555-B031.)
MOTION BY WOLFSHEIMER TO ADOPT. Second by Bernhardt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S409: (R-90-1099) ADOPTED AS RESOLUTION R-275030

Approving the three legislative proposals set forth in Intergovernmental Relations Department Report IRD-90-3, dated January 10, 1990, for inclusion in the City of San Diego's Legislative Sponsorship Program.

(See Intergovernmental Relations Department Report IRD-90-3.)

COMMITTEE ACTION: Reviewed by RULES on 1/17/90. Not acted upon due to a lack of quorum, and forwarded to Council docket for action by the Rules Committee Chair.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B032-056.)

MOTION BY McCARTY TO ADOPT. Second by Bernhardt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S410: (R-90-1101) ADOPTED AS RESOLUTION R-275031

Calling upon congress to ensure the preservation of Camp Pendleton either as a Marine Corps training base or, should the base be closed, as federal parkland preserved as an asset for all the people; directing the Intergovernmental Relations Department and the City's Washington lobbyists to inform members of San Diego's federal congressional delegation of the City's position to support H.R. 3591, as set forth in Intergovernmental Relations Department Report IRD-90-1, dated January 5, 1990.

(See Intergovernmental Relations Department Report IRD-90-1.)

COMMITTEE ACTION: Reviewed by RULES on 1/17/90. Not acted upon due to a lack of quorum, and forwarded to Council docket for action by the Rules Committee Chair.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A355-373.)

MOTION BY ROBERTS TO ADOPT. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea,

Filner-yea, Mayor O'Connor-yea.

ITEM-S411: (R-90-1100) ADOPTED AS RESOLUTION R-275032

Approving the recommendation to support technical amendments to AB 939, California Integrated Solid Waste Management Act of 1989.
(See Intergovernmental Relations Department Report IRD-90-4.)

COMMITTEE ACTION: Reviewed by RULES on 1/17/90. Not acted upon due to a lack of quorum, and forwarded to Council docket for action by the Rules Committee Chair.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A355-373.)

MOTION BY ROBERTS TO ADOPT. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-S412: (R-90-1089) ADOPTED AS RESOLUTION R-275033

Authorizing the execution of a First Amendment to the Agreement with the firm of Environmental Sciences, Inc. for services relating to asbestos in City buildings and to be used in preparation of litigation in the case of City of San Diego vs. Grace Corp. et al.; authorizing the City Auditor and Comptroller to increase the amount to be

expended to the firm of Environmental Sciences, Inc. by \$16,140, from \$421,915 to \$438,055; authorizing the City Auditor and Comptroller to charge the appropriate funds as follows: General Services/Equipment Division \$11,193; General Services/Airports \$19,525; Water Utilities Department \$14,037; and reducing the Liability Fund Charge by \$28,615.

CITY MANAGER SUPPORTING INFORMATION: On June 6, 1989, the City Council authorized the City Attorney to enter into an agreement with Environmental Sciences, Inc. to provide asbestos related services in City buildings and for the preparation of litigation in the case of City of San Diego v. Grace Corp., et al. Subsequent to the approval, Environmental Sciences submitted invoices in the amount of \$16,140 for services

provided prior to the agreement in preparation for the litigation with Grace Corp. It is therefore necessary to amend the agreement increasing the total from \$421,915 to \$438,055. Additionally, the amendment authorizes the Auditor and Comptroller to charge the enterprise accounts for their share of the costs.

Aud. Cert. 8901039.

FILE LOCATION: MEET CCONT FY90-1

COUNCIL ACTION: (Tape location: A355-373.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Wolfsheimer.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

NON-DOCKET ITEMS:

None.

COUNCIL COMMENT:

None.

PUBLIC COMMENT:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor O'Connor at 4:15 p.m. in honor of the memory of Cornelius J. Deenik.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C072-080).

MOTION BY McCARTY TO ADJOURN. Second by Bernhardt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Bernhardt-yea, Henderson-not present, McCarty-yea, Filner-yea, Mayor O'Connor-yea.